

## CHAPTER 8-000 CHILD CARE CENTERS

8-001 Administration: The center shall pay an initial license fee and annually thereafter.

The current license must be prominently posted so that it is clearly visible to parents and others.

The center must be open to visits by parents of the children enrolled or agency representatives during hours of operation.

The center shall have on file a completed "Children's Record" (Form DSS-0363) or a form which contains at least the same information, for each child within 30 days of enrollment. This information must be made available to Department staff upon request.

The center shall maintain copies of children's immunization records. These records will be available for review upon request.

The center shall comply with all Nebraska Department of Health and Human Services requirements regarding the immunization status of all enrolled children.

8-001.01 Staff Records: Staff records must include, but are not limited to -

1. The name, address, and telephone number of each staff member;
2. "Health Information Report" (Form DSS-0915), or a report containing the same information for all persons having contact with the children and/or food service;
3. A statement from the director certifying that s/he has verified staff qualifications;
4. Dates of employment and separation; and
5. A statement from each staff person, including volunteers, substitutes, and the director, providing information concerning any felony and/or misdemeanor arrests and convictions and any pending criminal charges. The statement must be signed and dated.

8-002 Staff Qualifications: The Director shall make available to the Department of Health and Human Services written verification of meeting staff qualifications (i.e., copy of transcript, letter of verification, grade reports, reference letters, certificates).

If a volunteer or substitute works over 15 hours per week and is counted in the staff-child ratio, that person shall meet the staff requirements for the position s/he is assuming.

Within 30 days of hiring, each staff member shall provide a "Health Information Report" (Form DSS-0915) current within six months of hiring or a report containing the same information. Form DSS-0915 is due annually.

The licensee and the director shall not knowingly allow any person, neither paid nor volunteer, who has been convicted of, admitted to, or there is substantial evidence of crimes involving intentional bodily harm, crimes against children, crimes involving the illegal use of a controlled substance, or crimes involving moral turpitude to be on the center premises. Center staff, whether paid or volunteer, shall not engage in or have a history of behaviors injurious to or which may endanger the health or morals of the children in care.

The licensee shall list all staff, including volunteers and substitutes, on each application filed with the Department.

8-003 Registry Checks: The Department of Health and Human Services shall clear the names of all staff employed by the center, as indicated on the application, with the Nebraska Central Registry and Child Abuse and Neglect and the Nebraska Adult Protective Services Registry before issuing a license.

8-004 Director Qualifications: The Director must have reached the legal age of majority.

8-004.01 Centers Licensed for More Than 22 Children: For centers licensed for more than 22 children, the Director shall meet one of the following requirements:

1. Have the minimum of a high school diploma or general education diploma and two years of verifiable experience in organized group activities for young children, as indicated by a positive reference from a former employer(s)/supervisor(s);
2. Verify that s/he has successfully completed six credit hours or 36 clock hours of Department-approved in-service in the area of child development, early childhood education, or child care administration. Business courses may be included, not to exceed 50 percent of the credit or clock hour requirements;
3. Have a Child Development Associate Credential;
4. Have an associate degree in child development, early childhood education, or child care administration;
5. Hold a bachelor degree from an accredited college or university and at least six credit hours in child development or early childhood education; or
6. Hold a bachelor degree in child development or early childhood education from an accredited college or university.

8-004.02 Centers Licensed for Not More Than 22 Children: For centers licensed for not more than 22 children, the Director shall -

1. Meet one of the options listed in 391 NAC 8-004.01.; or
2. Have a written Department-approved plan to acquire at least six credit hours or 36 clock hours of Department-approved in-service in the area of child development, early childhood education, or child care administration in a period not to exceed 12 months. Business courses may be included in the plan, not to exceed 50 percent of the credit or clock hour requirements.

The Director shall provide the licensee with at least two non-relative references before hiring. One of the references must be from a previous child care employer, if applicable. The reference check may be conducted by phone. A written record of the references must be retained in the Director's staff file and available for review by Department staff, upon request.

8-005 Teacher/Assistant Teacher Qualifications: The teacher/assistant teacher must have reached the legal age of majority. S/he shall meet one of the following:

1. Obtain a written Department-approved plan to acquire at least three credit hours or 15 clock hours of Department-approved in-service in the area of child development, early childhood education, or child care administration in a period not to exceed 12 months;
2. Verify that s/he has one year of experience in organized group activities for young children as indicated by a positive reference from a former employer(s)/ supervisor(s);
3. Have a Child Development Associate Credential; or
4. Hold a bachelor or associate degree in fields related to the care/education of children ages 0 to 12 years (i.e., early childhood education, child development, elementary education, or special education).

The Director shall obtain at least two non-relative references for each teacher and assistant teacher within 30 days of hiring. One of the references must be from a previous child care employer, if applicable. The reference check may be conducted by phone. A written record of the references must be retained in the employee's staff record and available for review by Department staff upon request.

The support staff shall be at least 16 years of age.

The Director shall insure that any person having responsibility for children has read and is familiar with the "Child Care Center Regulations." (DSS-PB-365)

8-006 Prior to Hire: Candidates being considered for employment as a director, teacher, assistant teacher, and all support staff must be checked against the Nebraska Central Registry of Child Abuse and Neglect and the Nebraska Adult Protective Services Central Registry before being hired.

Candidates being considered for employment as a director, teacher, assistant teacher, and/or support staff shall submit a signed "Felony/Misdemeanor Statement" to the licensee or director. The licensee or director shall request additional information from the appropriate law enforcement agency as needed to comply with Department regulations.

8-007 Felony/Misdemeanor Statement: The licensee is responsible for reporting any arrests, misdemeanor tickets other than traffic violations, pending criminal charges, and/or any felony/misdemeanor convictions on themselves, the director and staff which includes teachers/assistant teachers and all support staff.

The licensee of a child care center shall submit a AFelony/Misdemeanor Statement,@ signed and dated by the licensee, director, and staff, which includes teachers, assistant teachers, and all support staff, age 19 and older, which includes the following information:

1. Felony and/or misdemeanor arrests related to crimes against children;
2. Misdemeanor tickets, other than minor traffic violations;
3. Felony and/or misdemeanor convictions;
4. Any pending criminal charge(s); and
5. Current parole or probation status.

This statement must include all law enforcement contacts, regardless of prosecution.

8-008 In-Service Requirements: Each center staff person shall participate in in-service annually as provided below:

1. Director (if director is also acting as a teacher), teacher, assistant teacher, and teacher aide training must be in the area of child care or early childhood education and include at least 12 clock hours per year;
2. The staff person responsible for menu planning shall obtain at least four clock hours of training in the area of nutrition and food service during the first year of employment. If not the same, this person is responsible to train the cook in food handling and preparation; and
3. If a volunteer or substitute works over 15 hours per week **and** is counted in the staff-child ratio, that person shall meet the in-service requirements for the position s/he is assuming.

Each training hour for caregiving staff must be specifically related to the care of children.

Each hour spent participating in any of the following types of child care related activities count towards yearly requirements: job orientation, workshops, college credit hours, non-credit course work, adult education courses, and department-approved reading material.

Written documentation must be available for each of the above types of training.

8-009 Staffing: Staff-child ratio must be met at all times. Compliance with staff-child ratio must be determined on a center-wide basis.

The center shall count only those persons directly involved with immediate care of the children in the staff-child ratio.

Each room where children are receiving care must include a teacher/assistant teacher.

At least two staff persons must be on the premises at all times. When the number of children under care is eight or fewer, this requirement may be met by having one of the staff members on call and immediately available. If infants are included in this number, staff-child ratio must be met.

During naptime, at least one person must be in the room where children are napping, provided that staff-child ratio is maintained on the center's premises.

All staff on duty must be awake and alert to the needs of the children during napping/sleeping times.

Center staff or any person designated by the licensee as having responsibility for children shall have the responsibility to provide adequate and appropriate supervision at all times children are in attendance. Evidence of negligent or willful lack of supervision is basis for denial of an application or suspension or revocation of the center's license.

8-009.01 Staff Child Ratio:

Age Range of Children	Number of Staff	Number of Children
6 weeks to 18 months	1	4
18 months to 3 years	1	6
3 years	1	10
4 and 5 years	1	12
Kindergarten and up	1	15

The licensee shall ensure that the center's license capacity is never exceeded.

8-010 Program: A written daily schedule, which provides for the following, must be posted:

1. Physical care routines including -
  - a. Regular snack and meal times;
  - b. Nap or rest period; and
  - c. Toileting and washing; and
2. Activities including -
  - a. Outdoor play, weather permitting;
  - b. Individual and group play; and
  - c. Active and quiet play.

8-011 Meals and Snacks: The center shall serve regular meals and mid-morning snacks or breakfast and mid-afternoon snacks which meet U.S. Department of Agriculture nutritional standards.

The center shall serve any child present when a meal or snack is being served.

A snack or lunch must be served when schoolage children arrive at the facility after school.

8-012 Discipline: The center shall ensure that no child is left alone, pinched, punched, shaken, struck with any object, bitten, or spanked by staff; a brief, supervised separation from the group may be used.

Staff shall not discipline children -

1. By denial of food;
2. By forced napping;
3. For a toilet training accident; or
4. With subjection to derogatory remarks about themselves or their families, abusive or profane language, yelling or screaming, or threats of physical punishment; or
5. For refusing to take medication.

8-013 Materials and Equipment: The center shall provide enough age-appropriate play materials so that, at any one time, each child enrolled at the center can be individually involved.

Play materials, equipment, and furnishings must be easily cleanable, kept clean and in good repair, have no sharp edges, and have no rusty or loose parts. If available to infants and toddlers, play materials, equipment, and furnishings must not be easily breakable nor have small parts.

Furniture and equipment must be arranged so as not to interfere with exits.

8-014 Outdoor Play Area: When the outdoor play area does not directly join the indoor facility, it must be reached by a route and plan approved by the Department. The center shall maintain the written plan on file at the facility and submit a copy to the Department.

Stationary outdoor equipment such as climbing apparatus, swings, or slides must be located away from traffic areas in the play yard and securely anchored, unless designed to be portable.

Swing seats must be made of a pliable material, not hard plastic, wood, nor metal.

The area under climbing equipment, swings, slides and other equipment from which children might fall must be of resilient material such as sand, dirt, grass, or rubber matting.

8-015 Infant Care: Center staff shall meet the emotional and physical needs of infants consistently and promptly. This includes -

1. Talking to, holding, and playing with infants;
2. Allowing infants the opportunity (both morning and afternoon) to explore the environment outside of their cribs;
3. Ensuring that each crib contains at least one infant toy such as a cradle gym, mobile or stuffed animal;
4. Immediately investigating cries of infants; and
5. Providing each staff member giving care to infants with the written assignment to care for the same infants daily.

The center shall obtain and keep on file a written statement signed and dated by the parent, giving formula and feeding schedule. If formula is brought from home, it must be labeled with the child's name and stored in a refrigerator. If the center provides the formula, it must be made from commercially prepared products.

Staff shall hold infants up to six months old while bottle feeding.

Bottles must not be propped and must be removed from sleeping infants.

Infants who are capable of feeding themselves but cannot sit in child-size chairs at child-size tables, must be seated in highchairs with safety straps.

The center shall use unbreakable dishes and nursing bottles.

Staff shall change infants' diapers when needed.

Staff shall use individual washcloths, towels, or disposable towelettes to cleanse infants during diapering.

Staff shall clean diaper changing surfaces after each use by sanitizing the surface or changing the diaper pad or disposable sheeting.

Staff shall wash their hands thoroughly with soap and water after changing a diaper.

Staff shall place toilet training chairs away from eating and playing areas.

Rooms where infants are receiving care must be limited to the care of 12 children at any one time. If five or more infants are receiving care in a room, at least two staff persons must be in the room at all times.

The center shall provide bumper pads for each crib in which a child under six months old sleeps.

Equipment such as cribs with wheels, buggies, wagons, or laundry carts must be available for emergency evacuation of infants unless additional staff above the ratio are available to carry infants.

## 8-016 Child Health

8-016.01 CPR/First Aid: At least one staff member who has received first aid training which includes CPR must be on duty at all times, as evidenced by the staffing chart. The CPR instructor must be certified by the American Heart Association, American Red Cross, the National Safety Council, or Emergency Medical Planning America (Medic First Aid). Written verification of current training must be available.

8-016.02 First Aid Supplies: The following first-aid supplies must be available but inaccessible to the children: fever thermometer, bandaids, sterile gauze pads, and tape.

8-016.03 Delivery of Medication: Any child care provider, center, or preschool staff person who gives or applies medication shall do so in accordance with the "5 Rights" as required in Nebraska Statutes 71-6718 through 6742. These are:

1. The right drug;
2. The right recipient;
3. In the right dose;
4. By the right route;
5. At the right time.

8-016.04 Parental Responsibility: Parents or any licensed health care professional shall determine if child care providers or center and preschool staff are competent to give or apply medication. Center and preschool directors have the responsibility to assess the ability of staff to give or apply medication safely.

8-016.05 Confidentiality: Any child care provider, center or preschool staff person who gives or applies medication shall not disclose information about a child's medication unless such information is needed to protect the health of other children or staff.

8-016.05A The use of a posted medication sign in sheet does not violate 8-016.05 if the child care provider, center, or preschool staff has advised the parent in writing that the parent has the option of using a private method of informing the center staff of the child's medication needs.

8-016.06 Written Permission and Instructions: All child care providers, center, or preschool staff shall give or apply medication both prescription and non-prescription, only with prior written permission and written instructions from a parent. Child care providers, center or preschool staff shall comply with the instructions provided by the parent. Medication shall be in the original container, stored according to instructions, clearly labeled for a named child, and returned to the parent when no longer needed. The dosage will not exceed that which is printed on the label. Expired medication shall not be given or applied to a child and shall be returned to the parent. The preschool shall maintain a record as to the time and amount of medication given or applied.

8-016.06A Report to Parents: Any error in the giving or applying of medication shall be reported to the parent.



8-016.07 Unusual Circumstances: There must be a written statement from the licensed health care professional who prescribed the medication allowing the provider to give the medication when:

1. Any prescription medication is given or applied as needed (PRN); or
2. By a route other than oral, topical, inhalant, or instillation.

8-016.08 Smoking, Alcohol, Controlled Substances: Staff shall not smoke in the presence of children. Alcohol or controlled substances as defined in Sections 28-401 and 28-439 *Nebraska Revised Statutes*, must not be consumed on the premises during the hours of operation of the center.

8-016.09 Handwashing: All child care providers, center or preschool staff shall wash hands before giving or applying any medication. If handling any bodily fluids are involved, caregivers must also wash hands after giving or applying that medication.

8-017 Facility: Each center shall have at least 35 square feet of indoor activity space for each child. Bathrooms, kitchen, isolation room, office, passageways, storage, or space occupied by cribs, cots or built-in cabinets must not be considered when computing activity space.

The center shall have a working non-coin operated telephone on the premises. Emergency phone numbers for the following must be prominently posted near the phone: fire, police, poison control, hospital, and ambulance.

The licensee shall develop a written fire evacuation plan and a tornado safety plan to be posted in a conspicuous place and practiced on a quarterly basis, with the date and the time recorded. At least one drill per year must be practiced during naptime.

A vehicle must be immediately accessible for use by staff members for emergency purposes if the 911 emergency phone number is not available.

8-018 Transportation: The licensee shall ensure that safety restraints are available and used for each child transported. Nebraska law requires that all children age three or younger or under 40 pounds must be correctly secured in a federally approved child safety seat. All children age 4 or older or a weight of 40 pounds or more must be secured in a safety belt. Restraints are not required for children transported by public transportation or school bus.

The licensee shall ensure that passenger seating, as designed by the vehicle manufacturer, is available for each child transported. The number of children transported must not exceed the seating capacity indicated by the vehicle manufacturer.

The licensee shall ensure that all doors on the vehicle are locked when the vehicle is in motion.

The licensee shall ensure that parent or guardian-signed permissions are obtained to allow the center to transport children. These permissions must be kept on file.

8-019 Swimming/Wading Activities: All centers with swimming pools on the center premises shall comply with the Nebraska Swimming Pool Act and its subsequent rules and regulations. Centers using swimming pools not on center premises shall determine that the pool is licensed by the Department of Health and Human Services Regulation and Licensure.

If the depth of the water in the pool is over four feet, a person who has satisfactorily completed a senior course in life-saving sponsored by the Red Cross, Boy Scouts, Girl Scouts, YWCA, YMCA or an institution of higher learning, shall be on duty at all times the pool is in use.

The wading/swimming pool must be inaccessible to children in care when not in use by the center.

The center shall not use natural bodies of water for swimming or wading activities.

When a swimming or non-portable pool is in use (except in the case of organized swimming lessons), the following staff-child ratio must be maintained:

Age Range of Children	Number of Staff (Water not over child's head)	Number of Children (Water over child's head)	Number of Children
6 weeks to 24 months	1	1	1
24 months to 3 years	1	2	1
3 years to Kindergarten	1	5	3
First grade and up	1	8	5

8-020 Sanitation Regulations: Sanitation rules are set by the Department of Health and Human Services Regulation and Licensure as required by Section 71-1903, Nebraska Revised Statutes. Compliance with these rules is determined by the Nebraska Department of Health and Human Services Regulation and Licensure or its designated local representative.

8-020.01 Facility: To be licensed, all centers must have -

1. Clean and dry rooms.
2. Floors which are easily cleanable and kept clean and in good repair.
3. No carpeting in the food preparation area.
4. Removable, washable, non-shag carpet in bathrooms, if carpeting is used.
5. Walls and ceilings which are clean and in good repair.
6. In rooms where food is stored or prepared -
  - a. Walls and ceilings which are smooth, of easily cleanable construction, and finished in a light color;
  - b. Walls subject to splash must have a smooth, washable surface; and
  - c. Only non-lead paint.

7. Effective screening on all openings into the outer air when flies or other flying insects are prevalent.
8. Self-closing doors on opening to the outside which swing in the direction of exiting traffic.
9. Measures to prevent the entrance and harborage of rodents.
10. The temperature of rooms where children receive care maintained between 65-70 degrees Fahrenheit. A temperature of at least 72 degrees Fahrenheit must be maintained at floor level when infants are in care.
11. An accurate room thermometer on an inside wall, away from a heater or direct sunlight.
12. All rooms adequately lighted at a minimum of 20 foot candle power (measure of illumination).
13. Safety caps on all electrical outlets within the reach of children under six years of age.
14. Well-ventilated play areas, bathrooms, service rooms, and kitchens. Facilities newly constructed or extensively remodeled after January 1, 1983, must have positive ventilation.

8-020.02 Toilet and Lavatory Facilities: The licensee shall ensure that -

1. The facility has conveniently located toilet facilities at a ratio of one stool per 15 children, two years of age and above.
2. Toilet rooms are kept clean, in good repair, well-lighted, well-ventilated, and fully enclosed.
3. Each toilet is of suitable height and equipped to be easily and safely used by children.
4. Doors to the toilet room opening directly from food service areas are self-closing and tight-fitting.
5. Hand-washing facilities are provided at a ratio of one sink to every 15 children.
6. The sinks are readily accessible to each toilet and/or diaper area.
7. Hot and cold running water and soap are provided.
8. Water temperature at the lavatory is at least 100 degrees Fahrenheit, but no greater than 120 degrees Fahrenheit.
9. Single service towels and individual washcloths, and facilities for storing them are provided; the use of a common towel and washcloth is prohibited.
10. Sanitary dispensing and disposal units are provided for paper towels and are installed at heights convenient for the children's use.
11. Each lavatory is of suitable height or equipped with a steady platform or steps to be safely used by children.
12. No adult or child resumes work or play after using the bathroom without first washing his/her hands.

8-020.03 Water Supply: The licensee shall ensure that -

1. The water supply is obtained from a source which is properly located, constructed, and operated to protect it from contamination and pollution. Water must meet current standards set by the Nebraska Department of Health and Human Services Regulation and Licensure as to bacteriological, chemical, and physical tests for purity. Bacteriological tests must be made at least annually.
2. Running water under pressure is provided.
3. Adequate water heating facilities are provided so that a sufficient amount of hot water for general cleaning as well as washing and sanitizing utensils is available at proper temperatures.
4. Each hot water storage tank is provided with a pressure and temperature relief valve.
5. Drinking water is provided by sanitary drinking fountains or individual cups; the use of common drinking containers is prohibited.
6. Sanitary dispensing and disposal units are provided for paper cups.
7. Drinking fountains used by children have mouth guards with water issuing under sufficient pressure.

8-020.04 Plumbing: The licensee shall ensure that -

1. No plumbing fixture or other device which provides a connection between a drinking water supply and a drainage, soil, waste, or other sewer pipe so as to make possible the backflow of sewage or waste water into the potable water supply system. Water which has been used for cooling or for any other purpose must not be returned to the system.
2. All plumbing conforms to the local plumbing code. Where no plumbing code is in effect, plumbing must conform to the National Plumbing Code USA A 40.8-1955.

8-020.05 Sewage and Garbage: The licensee shall ensure that -

1. Sewage and all liquid waste is properly discharged into a municipal sewage system where such a system is available. If it is not available, the sewage must be collected, treated, and disposed of in an independent sewage system which complies with the practices recommended by local ordinances. Where local ordinances do not exist, sewage disposal systems for individual premises must comply with the regulations of the Nebraska Department of Health and Human Services Regulation and Licensure.
2. All garbage and refuse is collected, stored, and disposed of in a manner which will not create a nuisance, provide a breeding place for flies, or provide food or harborage for rodents.
3. All containers, both indoor and outdoor, for garbage and refuse are watertight, have tight fitting covers and are fly and rodent proof. Garbage containers must be kept clean.
4. The burning of garbage is prohibited. Paper products may be disposed of by burning.

8-020.06 Storage: The licensee shall ensure that -

1. Locked storage is provided solely for drugs.
2. Separate locked storage is provided for insecticides, cleaning, polishing, and sanitizing agents, and any other poisons; these poisons must be kept separate from food items and inaccessible to children.
3. Firearms, ammunition, and other potentially hazardous equipment are kept in locked cabinets.
4. Covered waterproof containers are provided for storing wet, soiled clothing; other soiled clothing must be stored in a covered container provided for that purpose.
5. Clean and adequate storage is provided for all personal items of children and staff; this storage must not be in the same storage area where food or medication is kept.
6. Toothbrushes, if used, are distinctly marked for individual use.

8-020.07 Napping/Sleeping Arrangements: The licensee shall ensure that -

1. Individual cribs, cots, or mats (suitable to the child's age and level of development) and a cover are provided for each child.
2. For evening care, each child is provided with a cot with a firm, waterproof mattress. Each crib has a waterproof mattress.
3. Mats are waterproof, at least one inch thick and at least 45 inches long.
4. At least three feet of space separate the cribs, cots, and mats.
5. Cots, cribs, and mats are disinfected daily or marked for individual use and disinfected weekly or more often when needed.
6. Stacked cribs are not used for infant sleeping/napping in centers initially licensed after January 1, 1983.

8-020.08 Grounds: The licensee shall ensure that -

1. A fenced outdoor play area is provided for children six weeks to kindergarten age.
2. The outdoor play area accommodates at least 25 percent of the licensed capacity at one time.
3. When in use, the outdoor play area provides a minimum of 50 square feet for each child using it.
4. The fence for the outdoor play area is at least three feet high, free from sharp, hazardous edges, and of sufficient construction to keep animals and intruders out.
5. There are no barnyard animals or fowl inside the fenced area. Pets, if present, must be physically controlled or restrained.
6. The grounds are kept neat and clean and free from rodent harborages and accident hazards; the grounds must be properly sloped or drained to prevent stagnant water collection.
7. Accident hazards, such as flammable materials, deep pools, farm and law equipment, are inaccessible; potential accident hazards such as uncovered wells, broken glass, boards containing nails, and other debris must be eliminated.

8-020.09 Food Service: Standards governing food service sanitation are found in the Food Service Sanitation Manual; 1995; Recommendations of the U.S. Public Health Service, as they are amended from time to time.